

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NOE RIOS SALINAS,

Plaintiff,

VS.

M BRAGGS, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-48

ORDER OF TRANSFER

This is a civil rights action filed by a federal prisoner pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).¹ Plaintiff is currently assigned to the FCI La Tuna in Anthony, Texas, which is located in El Paso County, in the Western District of Texas. 28 U.S.C. § 124(d)(4). In his lawsuit plaintiff alleges that prison officials there have been deliberately indifferent to his health and safety by failing to protect him from the risk of harm by other inmates (D.E. 1).

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). In addition, for the convenience of parties and witnesses, and in the interest of justice, a district court may


¹ Though plaintiff filed his lawsuit on a § 1983 lawsuit form, he is not a state prisoner, and the Court assumes he intended to bring this lawsuit pursuant to Bivens. A Bivens action is the federal counterpart of § 1983 and “extends the protections afforded by § 1983 to parties injured by federal actors not liable under § 1983.

transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a).

In this case, defendants are prison officials who work or engage in business in Anthony, Texas, which is in El Paso County, and the events of which plaintiff complains occurred in El Paso County, Texas. (D.E. 1). El Paso County lies within the El Paso Division of the Western District of Texas. 28 U.S.C. § 124(d)(4). Jurisdiction is proper with that Court. 28 U.S.C. § 1391(b).

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, El Paso Division. All pending motions are denied as moot but subject to re-urging after the case is transferred.

SIGNED and ORDERED this 16th day of February, 2010.


Janis Graham Jack
United States District Judge